

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LENNOX M. LONDON,

Plaintiff,

-against-

MEMORANDUM AND ORDER
20-CV-0636 (JS) (AKT)

NASSAU COUNTY CORRECTIONAL FACILITY,

Defendant.

-----X

APPEARANCES

For Plaintiff: Lennox M. London, pro se
 1505154
 Nassau County Correctional Center
 100 Carman Avenue
 East Meadow, New York 11554-1146

For Defendant: No appearances.

SEYBERT, District Judge:

By Memorandum and Order dated April 15, 2020 (the "Order"), the Court granted pro se plaintiff Lennox M. London's¹ ("Plaintiff") application to proceed in forma pauperis and dismissed the Amended Complaint for failure to allege a plausible claim for relief pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). (See Order, D.E. 9.) The Court granted Plaintiff leave to file a Second Amended Complaint within thirty (30) days from the date of the Order. The Order made clear that "Plaintiff's Second Amended Complaint must be labeled as a 'Second Amended

¹ Plaintiff is currently incarcerated at the Nassau County Correctional Center.

Complaint,' bear the same docket number as this Order, 20-CV-0636,² and must be filed within thirty (30) days from the date of this Order." (Order at 8-9.) Plaintiff was warned that if he "does not file a Second Amended Complaint within the time allowed, judgment shall enter without further notice and this case will be marked CLOSED." (Order at 8-9.)

On April 27, 2020, Plaintiff filed an unsigned letter, dated April 9, 2020, entitled "Inmate Grievance." (See D.E. 12.) Although the Court received this submission after its April 15, 2020 Order, given its date, the Court presumes it was sent before Plaintiff received the Order. However, because it was unsigned and did not include a docket number,³ on May 13, 2020, the Clerk of the Court returned the filing to Plaintiff. (See D.E. 12.) The Clerk's letter reminded Plaintiff that the "Amended Complaint must be filed and clearly labeled as such within 30 days from the date of the Order (enclosed)." (See D.E. 12.) On or around May 21, 2020, Plaintiff filed a copy of the Clerk's May 13, 2020 letter along with a new letter, dated May 18, 2020, enclosing a copy of the April 27, 2020 filing, now signed. (See D.E. 13.) The May 21, 2020 letter advised that the April 27, 2020 filing was

² The Order contained a typographical error and inadvertently indicated the case number as "19-CV-0636." (Order at 8.)

³ Plaintiff initiated another case in this Court, London v. Nassau Cty. Corr. Fac., et al., No. 20-CV-1991(JS) (AKT).

intended for filing in Docket Number 20-CV-0636. (See D.E. 13.)

Given that Plaintiff has received the Court's Order and letters and has elected not to file a Second Amended Complaint in accordance with the Order, the Court now DISMISSES this action without prejudice. (See Order at 8-9.) The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to mail a copy of this Order to the pro se Plaintiff, enter judgment accordingly, and mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: August 27, 2020
Central Islip, New York